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MRS. SANDRA M. WORTH
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NR. ALRESFORD, HAMPSHIRE SO24 OQB
UNITED KINGDOM

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OFFICE OF PETITIONS

In re Application of DeWitt	:	
Application No. 10/619,411	:	Decision on Petition
Filing Date: July 16, 2003	:	
For: Papaver Supperpoppy	:	
Hybrid "Heartbeat"	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 5, 2007, to revive the above-identified application.

The petition is **granted**.

A non-final Office action was mailed April 21, 2004. The non-final Office action set a shortened statutory period for reply of three (3) months. The non-final Office action stated, "Extensions of time may be available under the provisions of 37 CFR 1.136(a)." An amendment was received August 24, 2006. The amendment was not accompanied by a request, and payment, for an extension of time. Therefore, the reply was untimely.

Since an extension of time was not obtained, the application became abandoned as of midnight on July 21, 2004.

A Notice of Abandonment was mailed June 14, 2006.

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 1661 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions